



## Director's Rule 5-2003

<b>Applicant:</b>  City of Seattle Department of Design, Construction and Land Use	<b>Page</b>  1 of 3	<b>Supersedes:</b>  20-98
	<b>Publication:</b>  5/19/03	<b>Effective:</b>  6/4/03
<b>Subject:</b>  Statement of Financial Responsibility for Payment of Fees	<b>Code and Section Reference:</b>  Fee Subtitle 22.901A.030 Land Use Code 23.76.010	
	<b>Type of Rule:</b>  Code Interpretation	
	<b>Ordinance Authority:</b>  SMC 3.06.040	
<b>Index:</b>  Fees; Land Use Code	<b>Approved</b>	<b>Date</b>
	(signature on file) Diane M. Sugimura, Director	6/4/03

### I. Background

Section 22.900A.030.C of the Fee Subtitle specifies which parties are legally responsible for payment of permit fees.

Both the applicant for the permit, and the owner of the property for which the permit is required, are jointly and severally responsible for payment of fees required by this subtitle, regardless of whether the permit is issued or whether the application is canceled or denied before permit issuance. However, when an applicant is not the owner and is not acting, even in part, as agent for the owner, the applicant is solely responsible for payment of applicable fees.

Section 23.76.010 of the Land Use Code requires that all Master Use Permit applications be accompanied by a signed statement of financial responsibility in which the applicant and property owner acknowledge responsibility for paying fees.

The purpose of these code sections is to identify who can be held liable for payment of fees and to ensure that DCLU has sufficient information to collect fees that are due on those occasions when payment is in dispute. This rule clarifies the responsibilities of the parties and the use of the Statement of Financial Responsibility form. The form is attached to this rule.

## **II. Rule**

### **A. Applications for which Statements of Financial Responsibility are required.**

1. Statements of Financial Responsibility are required for all applications for which post-issuance site inspections may be required.
2. Statements of Financial Responsibility are required for applications that do not require post-issuance site inspection except:
  - a. Applications that will be approved subject to field inspection;
  - b. Expedited building and mechanical applications;
  - c. Non-expedited building and mechanical applications with a value of \$50,000 or less;
  - d. Revisions of non-expedited applications when the value of the project remains less than \$50,000;
  - e. Renewals of permits for which fees will not be charged on an hourly basis;
  - f. Applications with fixed-value components or for which the entire fee is collected at the time of intake, such as grading and demolition permits.

### **B. "Applicant" defined.**

For purposes of Section 22.901A.030, the term "applicant" means a person or entity that falls within either of the following categories.

- (1) A person or entity with a financial interest in the project. "Applicant" shall not include any person who is acting solely as an employee, contractor, subcontractor or consultant of (a) the property owner; or (b) another person or entity with an independent financial interest in the project.
- (2) A person or entity who is petitioning for a rezone.

### **C. Required signatures.**

The Statement of Financial Responsibility must be signed by both a property owner and an applicant unless they are the same person. DCLU may waive the requirement for signature of the property owner when the application is for a rezone in which the petitioner is not the owner of the property, or when the applicant is a government agency and the site is subject to condemnation.

D. Agents.

Agents submitting applications, such as architects, engineers and permit consultants, will be liable for payment of fees only if they have a financial interest in the project as described in paragraph B above.

E. Responsibility for payment of fees.

All those who sign the Statement of Financial Responsibility are responsible for payment of all fees for the project. They are responsible for fees for revisions, including those incurred after issuance of the permit.

It is the responsibility of the owner and applicant to be informed about fee-generating activity related to their application and permit. DCLU will not contact parties, whether or not they are actively involved in project review, to inform them that revisions have been submitted that will require additional fees.

# Statement of Financial Responsibility

**PROJECT ADDRESS:** \_\_\_\_\_

**DCLU Project Number:** \_\_\_\_\_

Property Owner Name \_\_\_\_\_

(Company Name) \_\_\_\_\_

Address (PO BOX NOT ACCEPTABLE) \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Property Owner's relationship to the project:

☐ Developer ☐ Lessor

☐ None ☐ Seller

☐ Owner ☐ Other \_\_\_\_\_

Applicant (Project Owner) \_\_\_\_\_

(Company Name) \_\_\_\_\_

Address (PO BOX NOT ACCEPTABLE) \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Applicant's relationship to project (check one):

☐ Property Owner ☐ Rezone Petitioner

☐ Lessee ☐ Condemnor

☐ Contractor Purchaser ☐ Other \_\_\_\_\_

## FINANCIAL RESPONSIBILITY ACCEPTANCE:

### **Property Owner:**

I, \_\_\_\_\_, declare under penalty of perjury under the laws of the State of Washington that: I am the Owner of the above referenced property, or the \_\_\_\_\_ (relationship) of the Owner, \_\_\_\_\_ (business entity), that the information provided herein is correct and complete, and that I have authority to bind the Owner to this statement. Owner will pay all permit fees for the above project, regardless whether the permit is issued or whether the application is canceled before permit issuance. If the Owner's address changes at any time before DCLU has received full payment for all fees billed or owing, Owner will immediately notify DCLU of the new address.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_  
City State

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

### **Applicant:**

I, \_\_\_\_\_, declare under penalty of perjury under the laws of the State of Washington that: I am the Applicant, or the \_\_\_\_\_ (relationship) of the Applicant, \_\_\_\_\_ (business entity), that the information provided herein is correct and complete, and that I have authority to bind the Applicant to this statement. Applicant will pay all permit fees for the above project, regardless whether the permit is issued or whether the application is canceled before permit issuance. If the Applicant's address changes at any time before DCLU has received full payment for all fees billed or owing, Applicant will immediately notify DCLU of the new address.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_  
City State

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title